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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA .
VERSUS . Criminal Action
MONICA ROCA-PEREZ, . No. C-17-CR-146
 . Victoria, Texas
 . July 19, 2017
 . 1:32 p.m.
Defendant. .
.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN D. RAINEY
REARRAIGNMENT

APPEARANCES:

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PROCEEDINGS RECORDED BY STENOGRAPHIC MEANS,
TRANSCRIPT PRODUCED FROM COMPUTER-AIDED TRANSCRIPTION

1 INTERPRETER:

2 Ms. Ana Maria Paredes

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8 COURT REPORTER:

9 GAYLE L. DYE, CSR, RDR, CRR

10 515 Rusk, Room 8016

11 Houston, Texas 77002

12 713.250.5582

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1 PROCEEDINGS

2 July 19, 2017

3 THE COURT: All right. Before the Court this
4 afternoon is C-17-146, United States of America versus Monica
01:32:27 5 Roca-Perez.

6 If you'll make announcements, please

7 MS. HAMPTON: Julie Hampton on behalf of the United
8 States, your Honor.

9 MR. MEDRANO: Your Honor, good afternoon. Heriberto
01:32:37 10 Medrano for Ms. Roca-Perez. We're present and ready to proceed,
11 Judge. May I have my client sit next to me?

12 THE COURT: I'm sorry?

13 MR. MEDRANO: We're present and ready to proceed. Can
14 I have her sit --

01:32:46 15 THE COURT: Sure.

16 We previously had a pretrial conference in this
17 matter where we discussed various issues; and in preparation for
18 the conference today, I've been handed some documents that
19 indicate that you have been successful, it looks like, in trying
01:33:06 20 to work out a resolution of this matter.

21 There were a lot of issues pending that we
22 discussed before. What I was handed was a criminal information
23 which appears to have been filed.

24 And Ms. Hampton, do you want to, basically, bring
01:33:25 25 me up to date on where we stand on this matter at this time?

1 MS. HAMPTON: Yes, your Honor. We have worked out a
2 plea agreement to present to the Court where this Defendant will
3 plead to -- it's, basically, a lesser included offense which is
4 unlicensed money transmitting business under Title 18, Section
01:33:42 5 1960. And we have a plea agreement to present to the Court
6 regarding that and a short factual basis.

7 THE COURT: Okay. All right.

8 MR. MEDRANO: That's correct, your Honor.

9 THE COURT: Very well. Okay. Let me get things
01:33:54 10 organized here, and we'll proceed.

11 All right. Mr. Medrano, if you would bring your
12 client up to the table here in front of the bench, we'll proceed
13 from there so that everyone can be heard adequately.

14 Should I refer to you as Roca-Perez?

01:34:51 15 Is that correct, Ms. Roca-Perez?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Very well. When we undertake to conduct a
18 proceeding like this, there's a procedure that must be followed,
19 of course. I want to make sure that whatever you're doing,
01:35:15 20 you're doing voluntarily and that you're competent to do it and
21 so forth; and I know that your attorney has explained this to
22 you.

23 We start off by having you placed under oath.
24 It's important that you be candid with the Court and truthful.
01:35:26 25 But because you will be under oath, if you testify falsely

1 during the proceeding, that testimony could later be used
2 against you to obtain a criminal indictment for perjury or for
3 making a false statement.

4 Do you understand that?

01:35:37 5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Okay. This lady is going to administer
7 the oath to you. If you will do the best you can to raise your
8 right hand.

9 (The Defendant was sworn and testified through an
01:35:47 10 interpreter.)

11 THE COURT: Let me go through a few preliminary
12 questions with you concerning your competence. Has a doctor
13 ever diagnosed you with any type of mental illness?

14 THE DEFENDANT: No, your Honor.

01:36:09 15 THE COURT: Have you been a heavy user of any type of
16 narcotic drugs?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: Have you taken any type of medication
19 recently that would cause you to be confused at this time?

01:36:24 20 THE DEFENDANT: No, your Honor.

21 THE COURT: How old are you?

22 THE DEFENDANT: Forty-eight, your Honor.

23 THE COURT: I was handed a sentence data sheet. It
24 appears that it lists your citizenship as the United States.

01:36:46 25 You're not a United States citizen, are you?

1 THE DEFENDANT: No, your Honor. I am a Mexican.

2 THE COURT: Mexico? Okay. All right.

3 Did you go to school in Mexico?

4 THE DEFENDANT: Yes, your Honor.

01:36:56

5 THE COURT: How far did you go?

6 THE DEFENDANT: University, your Honor.

7 THE COURT: Okay. What was your degree in?

8 THE DEFENDANT: Attorney.

9 THE COURT: Okay. All right. We're on the same page.

01:37:15

10 You were indicted in this case by a grand jury,
11 and that's in the cause number that I previously called, the
12 C-17-146. Now, what I've been advised of today is that you're
13 going to proceed pursuant to a criminal information; and that,
14 of course, will have a different cause number once it's been
15 given one.

01:37:39

16 But I need to go over a couple of things with you
17 before we proceed. The charge set forth in the criminal
18 information that was presented to me, of course, is a felony
19 offense; and under our law, you have the right to have these
20 charges and allegations presented to a grand jury and to have
21 the grand jury issue an indictment of this crime instead of
22 proceeding by criminal information.

01:38:01

23 Do you understand that you have the right to be
24 indicted by a grand jury instead of just proceeding by criminal
25 information? The criminal information is filed, basically, by

01:38:20

1 the US Attorney's Office. They allege what the crime has been
2 and they sign it and they file it, and that is the criminal
3 information. That's much different than an indictment.

4 Do you understand that?

01:38:33

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Much different than an indictment issued
7 by a grand jury. Okay. All right.

8 Have you discussed this right with your attorney,
9 the right to be indicted by a grand jury on these charges?

01:38:46

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Do you have any questions you want to ask
12 me? Is there anything about that process that you don't
13 understand?

14 THE DEFENDANT: No, your Honor.

01:38:56

15 THE COURT: Knowing your rights in that regard -- I
16 was handed a waiver of indictment that appears to have been
17 signed by you. Is that your signature on the waiver?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Okay. And your attorney signed it, also.

01:39:10

20 So, you are asking me to -- that you want -- that
21 you want to waive your right to be indicted and to proceed by
22 criminal information; is that correct?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Okay. All right. And do you understand
25 the charge set forth in the criminal information?

01:39:25

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Okay. All right. No one has forced you
3 to proceed in this matter, have they?

4 THE DEFENDANT: No, your Honor.

01:39:40

5 THE COURT: All right. Having advised you of the
6 nature of the charge filed by the criminal information, finding
7 that you have discussed it with your attorney, that you appear
8 to know your rights as far as being indicted by a grand jury, I
9 find that you knowingly and voluntarily waive the right to
10 prosecution by indictment before the grand jury; and I'll allow
11 you to proceed under the criminal information. I'll sign the
12 waiver at this time.

01:40:07

13 I should have asked you this before but I will at
14 this time: You have received a copy of the criminal
15 information, haven't you?

01:40:24

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Okay. All right. Did you read it?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Or did your lawyer read it to you?

01:40:31

20 THE DEFENDANT: My attorney read it to me.

21 THE COURT: You discussed it with him?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you feel like you completely understand
24 the charges set forth in the criminal information --

01:40:41

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: -- to the one count information?

2 All right. Mr. Medrano has been representing you
3 in this matter. Are you satisfied with his representation?

4 THE DEFENDANT: Yes, your Honor.

01:40:53 5 THE COURT: Okay, very well.

6 Do we have a signed copy of the plea agreement?
7 I need to ask her some questions about that.

8 MS. HAMPTON: Your Honor, I omitted the cause number,
9 since it doesn't have a cause number yet, on the plea agreement,
01:41:16 10 just for the Court's information.

11 THE COURT: Okay. All right. Okay.

12 MR. MEDRANO: Your Honor, I think it's important for
13 the record to reflect that she does have an interpreter
14 translating things to her in English --

01:41:24 15 THE COURT: Okay.

16 MR. MEDRANO: -- and Spanish.

17 THE COURT: Okay. Let me go over one other thing
18 before we talk about this plea agreement. As I just mentioned,
19 the charge in the criminal information is a felony offense.

01:41:39 20 Since you are a citizen of Mexico, if I accept your plea and
21 you're found guilty of that felony, you are subject to being
22 deported.

23 Do you understand that?

24 THE DEFENDANT: Yes, your Honor.

01:41:51 25 THE COURT: Have you previously discussed the possible

1 consequences of deportation with your attorney before deciding
2 to enter this plea?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: And are you satisfied with the
01:42:06 5 representation you've received from your attorney up to this
6 point?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Okay, very well.

9 I want to make sure that no one has forced you to
01:42:17 10 enter into this plea agreement. So, let me ask you this: Did
11 you sign your agreement voluntarily?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: No coercion was exerted on you?

14 THE DEFENDANT: No, your Honor.

01:42:31 15 THE COURT: Did your attorney read it to you or did
16 someone else interpret it for you? It's in English.

17 THE DEFENDANT: Yes, your Honor. My attorney did.

18 THE COURT: And you discussed it with him?

19 THE DEFENDANT: Yes, your Honor.

01:42:44 20 THE COURT: He answered any question you may have had
21 about it?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you feel like you understand the terms
24 of this agreement?

01:42:54 25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: Has anyone promised you anything to get
2 you to plead guilty other than the promises contained within
3 this agreement?

4 THE DEFENDANT: No, your Honor.

01:43:07

5 THE COURT: Let me check a couple of things in it
6 first.

7 No waiver in the agreement, right?

8 MR. MEDRANO: That's correct.

9 MS. HAMPTON: That's correct, your Honor.

01:43:41

10 THE COURT: All right. I just want to make sure.

11 All right. Let me go to the penalty range you're
12 subjecting yourself to by entering a plea to these charges. You
13 could be sentenced to the maximum punishment provided by law
14 which is up to five years in prison. You could be fined up to
15 \$250,000, placed on supervised release for up to three years;
16 and there is also a \$100 special assessment that will be
17 imposed.

01:44:00

18 Do you understand that that is the penalty range
19 for this offense?

01:44:16

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Okay. Should you be placed on
22 supervision, you'll have to follow a set of rules adopted by
23 this Court. Should you violate any of those rules, after notice
24 and a hearing is held, the judge presiding over your case at
25 that time could order that you serve some additional time in

01:44:35

1 prison even though you've already completed the initial sentence
2 that I impose.

3 Do you understand the possible consequences of
4 violating supervised release?

01:44:48 5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Okay. I want to go over with you the
7 sentencing procedure that we follow in this court. Some of the
8 -- your sentencing date, obviously, may change subject to
9 further developments in this case; but we start off by having a
01:45:07 10 probation officer prepare a presentence investigation report.

11 It contains an awful lot of information about you
12 and about this offense which I will use in determining what I
13 believe to be a sufficient sentence for you. It will be
14 prepared in accordance with the United States Sentencing
01:45:23 15 Guidelines.

16 Have you had an opportunity to discuss the
17 guidelines with your attorney and how they may apply to your
18 case?

19 THE DEFENDANT: Yes, your Honor.

01:45:33 20 THE COURT: When the report is prepared, it will be
21 delivered to Mr. Medrano. He'll bring it to your attention.
22 Again, it will be in English. So, make sure he reads it to you
23 carefully, explains things to you and answers your questions;
24 and point out anything you believe is in the report that is
01:45:51 25 incorrect. If necessary, he will file objections for you.

1 A probation officer will attempt to resolve them;
2 but if they cannot, they will be presented to me; and I will
3 rule on your objections at your sentencing hearing. Once I've
4 made any necessary rulings, an advisory guideline range of
01:46:15 5 incarceration will be established for your case; and it's
6 usually expressed in a range of months.

7 I'm going to give you an example, say, 24-to-30
8 months; but I have no idea what that range will be until the
9 report has been prepared. And even though that range of
01:46:27 10 incarceration is advisory, I must carefully consider it when I
11 determine what I believe to be a sufficient sentence.

12 There are only limited circumstances under which
13 you or the Government can appeal the sentence that I give you,
14 and I advise you at this time that there is no parole in our
01:46:44 15 federal penal system. If the sentence I give you is worse than
16 you're expecting, you're not going to be allowed to change your
17 mind and withdraw your plea of guilty for that reason.

18 Do you understand all of that?

19 THE DEFENDANT: Yes, sir.

01:46:58 20 THE COURT: Any questions you want to ask me about it?

21 THE DEFENDANT: No, sir.

22 THE COURT: You, obviously, have a right to a trial by
23 jury. You have a right to be represented at that trial by a
24 lawyer such as you have representing you here today. During the
01:47:17 25 course of the trial, your attorney has the right on your behalf

1 to cross-examine each and every witness called by the Government
2 to testify.

3 And once the Government rests its case in chief,
4 you have the right to call witnesses to testify for you and to
01:47:30 5 have them subpoenaed if they do not want to come to court.

6 Then, you have an election to make during the trial. You can
7 elect to testify if you want to, but you also can choose not to.

8 If you elected not to testify, the Government
9 cannot call you as a witness and subject you to interrogation.
01:47:52 10 Also, to, hopefully, avoid any potential prejudice from you not
11 testifying, I would instruct the jury that the fact that you did
12 not testify is not evidence which it is allowed to consider when
13 it later renders its verdict.

14 In a moment, I will ask you how you plead to
01:48:07 15 these charges; and at that time, if you enter a plea of guilty,
16 you will have waived your right to a trial by jury as well as
17 the other rights I described.

18 Do you understand all that?

19 THE DEFENDANT: Yes, your Honor.

01:48:19 20 THE COURT: Let's go over the elements of the offense.
21 This is what the Government must prove beyond a reasonable doubt
22 to obtain a conviction for this charge. The Government must
23 establish that you, the Defendant, knowingly conducted,
24 controlled, managed, supervised, directed, or owned all or part
01:48:35 25 of a money transmitting business; that that business affected

1 interstate or foreign commercial in some manner or degree.

2 And then, the Government must establish that
3 while failing to comply with the money transmitting business
4 registration requirements under 31, USC, Section 5330 or
01:49:02 5 regulations prescribed under that section that the business that
6 you operated failed to do that.

7 Do you understand the elements of this offense?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay.

01:49:10 10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Ms. Hampton, representing the Government,
12 is going to attempt to explain to me the evidence which she
13 believes she could present to support a conviction for this
14 offense. If you would, listen carefully.

01:49:26 15 Ms. Hampton, would you tell us about this case,
16 please.

17 MS. HAMPTON: Yes, your Honor.

18 At trial in this case, the Government would prove
19 through legal and competent evidence that information was
01:49:37 20 received by the FBI McAllen agency which indicated that certain
21 individuals using a business by the name of PCR Consulting, LLC
22 -- and I'll refer to it as PCR from here on out --

23 THE COURT: Okay.

24 MS. HAMPTON: -- was based in Hidalgo, Texas, and had
01:50:00 25 defrauded investors. Multiple victims were identified and were

1 found to have been defrauded for a total amount of \$800,000.

2 PCR was established as a business entity on
3 October 29, 2008, when it officially filed with the Texas
4 Secretary of State. The paperwork filed with the Texas
01:50:19 5 Secretary of State listed Cindy Apac, Juan Antonio Perez Cantu,
6 and Monica Roca-Perez as directors and managing members for PCR.
7 There's one additional person, as well. So, there were four
8 managing members for PCR.

9 PCR was established for the business purpose of
01:50:36 10 providing consultation services to Mexican investors who wanted
11 to establish US companies and/or obtain investor visas.

12 PCR also provided document notarization services,
13 rentals of PO boxes, and referrals for accounting and legal
14 services. PCR, however, was not licensed to sell financial
01:51:03 15 investments or to provide financial consultation services.

16 Juan Antonio Perez Cantu and Cindy Apac, both of
17 whom are charged in the Corpus Christi division -- Ms. Apac has
18 been convicted and is awaiting sentencing -- used the entity of
19 PCR to solicit, obtain, and defraud victims in the US.

01:51:25 20 Additionally, the Defendant in this case,
21 Ms. Roca-Perez, used the entity's bank accounts with the help of
22 Juan Antonio Perez Cantu and Cindy Apac to receive, convert into
23 US dollars and deposit and transfer money from Mexico into
24 various banks in the US, including accounts owned by Juan
01:51:48 25 Antonio Perez Cantu, Cindy Apac, Ms. Roca-Perez, and Adriana

1 Gonzalez. Adriana Gonzalez is the former wife of the former
2 governor of Tamaulipas, Eugenio Hernandez.

3 All of the banks involved were FDIC-insured
4 banks. Multiple times defrauded investors deposited hundreds of
01:52:12 5 thousands of dollars into PCR's bank accounts only to discover
6 that they had later been the victims of a Ponzi-type scheme.
7 Their monies were used to pay off prior investors.

8 In fact, approximately \$250,000 of those monies
9 were deposited into Ms. Roca-Perez's bank account. Further,
01:52:33 10 Ms. Roca-Perez directly received \$262,944.63 in three identified
11 victims -- directly from three identified victims traced to
12 Ms. Roca-Perez's account.

13 That's the amount listed in the plea agreement as
14 restitution, your Honor

01:52:50 15 THE COURT: All right. Okay.

16 MS. HAMPTON: What gives rise to this criminal charge
17 against Ms. Roca-Perez is that the FBI investigation revealed
18 that a substantial amount of money was being transferred from
19 Mexico through PCR bank accounts to be finally transferred and
01:53:09 20 deposited in various individual's US bank accounts all without a
21 license to do so, in violation of Title 18, Section 1960.

22 At trial, the Government would be able to prove
23 through the testimony of several now cooperating individuals, as
24 well as the use of bank documents and the use of e-mail
01:53:29 25 communications, that Ms. Roca-Perez and others used this

1 unlicensed transmitting of money scheme to cause the transfer of
2 hundreds of thousands of dollars from Mexico into her own US
3 bank accounts with the purpose of then transferring
4 approximately \$654,000 into US bank accounts owned by Adriana
5 Gonzalez.

01:53:53

6 That amount, your Honor, is -- the 654,000 is the
7 amount used to justify the base offense calculation in the plea
8 agreement, as well.

9 THE COURT: Okay. All right.

01:54:05

10 MS. HAMPTON: Ms. Roca-Perez moved the money at the
11 direction of Ms. Gonzalez for a small profit. Those accounts
12 then went to fund CDs, or certificate of deposits, that Adriana
13 Gonzalez used to back loans for the purchase of real property in
14 the US that are the subject of US Government forfeiture actions.

01:54:31

15 An example of this money movement occurred in
16 December of 2009 when e-mails, bank documents, and witness
17 testimony would prove that Monica Roca-Perez had received and
18 transmitted approximately \$300,000 of Adriana Gonzalez's money
19 from Mexico into the US using Juan Antonio Perez Cantu, Cindy
20 Apac, and the PCR accounts. The goal was to ultimately deposit
21 these monies into Adriana Gonzalez's US bank accounts.

01:54:54

22 The e-mail reflects that Ms. Roca-Perez was
23 questioning Cindy Apac as to why only \$285,000 were deposited
24 into Ms. Gonzalez's bank account when she had delivered 300,000
25 US dollars worth of Mexican pesos to Mr. Perez Cantu.

01:55:17

1 Ms. Roca-Perez was questioning the absence of
2 \$15,000 and told Ms. Apac that it was a lot of money, it wasn't
3 a small amount of money and that she had to account to
4 Ms. Gonzalez for that money.

01:55:35 5 There were several e-mails between Ms. Roca-Perez
6 and others reflecting the fact that the majority of the monies
7 transmitted and transferred belonged to Adriana Gonzalez and
8 were done for her benefit.

9 Neither PCR nor Ms. Roca-Perez or any other of
01:55:50 10 the co-conspirators involved in this case were ever licensed
11 with the State of Texas or the US Department of Treasury to
12 legally operate a money transmitting business. Those are the
13 facts in this case, your Honor.

14 THE COURT: Very well.

01:56:02 15 Ms. Roca-Perez, did you hear and follow what
16 Ms. Hampton said about your involvement in this matter?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Is it correct?

19 THE DEFENDANT: Yes, your Honor.

01:56:15 20 THE COURT: Okay. To the charges in Count 1 of the
21 criminal information, how do you now plead, guilty or not
22 guilty?

23 THE DEFENDANT: Guilty, your Honor.

24 THE COURT: All right, thank you.

01:56:31 25 Ms. Roca-Perez, I first find that you're

1 competent to enter a plea. It appears to me that you are aware
2 of the nature of the charges against you and the consequences of
3 entering a plea to those charges.

4 I, therefore, find that your plea is a knowing
01:56:47 5 and voluntary plea supported by an independent basis in fact
6 containing each of the essential elements of the offense. Your
7 plea is accepted, and you're now adjudicated guilty of the
8 charges in Count 1.

9 I'm looking for -- here it is. Let's see, I got
01:57:04 10 two.

11 THE CASE MANAGER: One with a number and one without
12 just in case.

13 THE COURT: I'm going to sign an order that will set
14 forth a schedule for your sentencing, and I know it's likely --
01:57:15 15 subject to maybe being changed. I don't know.

16 MR. MEDRANO: Actually, your Honor, if I may, Judge,
17 we would ask for an expedited PSR report.

18 THE COURT: Okay.

19 MR. MEDRANO: We believe that there's -- because of
01:57:26 20 the -- let me explain to the Court: My client is a Mexican
21 national, your Honor --

22 THE COURT: Right.

23 MR. MEDRANO: -- not residing in the US. She's not a
24 resident alien. As I explained to the Court earlier at prior
01:57:37 25 hearings, she came into the US legally with a tourist visa

1 visiting her son who was in college up in California; and so,
2 spotless record in Mexico, no issues here in the United States.
3 We believe and ask that an expedited PSR report be prepared,
4 Judge, because I think we're ready to go ahead and proceed.

01:57:56

5 She knows that when she's sentenced and she
6 completes whatever term of imprisonment the Court rules on her
7 that she will be deported.

8 THE COURT: Okay.

9 Any disagreement with that, Ms. Hampton?

01:58:08

10 MS. HAMPTON: No.

11 THE COURT: Okay. Why don't we do this: Because I'm
12 not in a position to know when all that can be done, I'm going
13 to give -- I'm going to set these dates so that we can track it.
14 And what I would ask you to do is contact probation -- there
15 will be someone assigned to write this report -- and tell them
16 that I have approved an expedited sentencing subject to their
17 ability to get it expedited.

01:58:26

18 MR. MEDRANO: Yes, your Honor.

19 THE COURT: And then, probation can notify Stacie; and
20 we'll set a sentencing date before the one I'm fixing to give
21 her. This report I talked about, typically, using the time
22 frame that we follow, would be disclosed to counsel by August
23 the 31st, about six weeks from now; and then, you'd have roughly
24 14 days to file any objections. That would be by September
25 14th. And I would be setting you for sentencing about a month

01:59:07

1 later on October 17th.

2 And so, that's the date I'm going to give you
3 right now for your sentencing is October 17th --

4 At what time?

01:59:19 5 THE CASE MANAGER: At 2:30, your Honor.

6 THE COURT: -- at 2:30 p.m. Now, we, hopefully, will
7 be able to move that up and maybe get you sentenced in half that
8 time. It takes awhile to prepare one of these reports, and I'm
9 not going to sentence you until I have it because of the nature
01:59:33 10 of this case and everything, make sure I have all the
11 information. But the probation officer, I'm sure, will do what
12 they can to get it prepared expeditiously.

13 MR. MEDRANO: Thank you, your Honor.

14 THE COURT: Okay.

01:59:41 15 Today is the 19th, isn't it?

16 THE CASE MANAGER: Yes, Judge.

17 MR. MEDRANO: Yes, sir.

18 THE COURT: Very well.

19 Anything further we need to address?

01:59:49 20 MS. HAMPTON: I believe Mr. Medrano has something.

21 MR. MEDRANO: Your Honor, if I may, Judge, I ask the
22 Court to go ahead and please consider the document that I
23 previously have shown counsel for the Government. This is a
24 motion by us, Judge, to ask the Court to issue an order for the
02:00:06 25 parole entry of witnesses which, basically, are her three adult

1 children and her sister so that they can be interviewed by
2 probation to try to verify the information that, obviously,
3 she's going to be given them.

4 She has no relatives here in the US, Judge, that
02:00:21 5 probation can go ahead and consult with to try to go ahead and
6 verify her education, her background, her employment except for
7 her sister and her three adult children.

8 Also, Judge, I will tell the Court all four of
9 them used to have tourist visas; but because of the arrest of my
02:00:41 10 client, the Federal Government has chosen to go ahead and
11 unilaterally revoke their visas. And so, it's been five months
12 now, Judge, five months, since my client has seen any of her
13 children; and so, I ask the Court to go ahead -- and the Court
14 will notice the parole of these four individuals is three days
02:01:02 15 only and to be able to travel up to Corpus Christi to be
16 interviewed by the probation office.

17 And I need that order, Judge, because of the fact
18 that, obviously, they have to go through the checkpoint; and
19 they're going to be asked, "Well, let me see why you're coming
02:01:16 20 through here."

21 "Well, we have a Court order to go and appear at
22 probation to be interviewed" in order to go ahead and assist me
23 and my client in preparing the report for the Court.

24 THE COURT: I've never done one of these.

02:01:27 25 MR. MEDRANO: Yes, your Honor.

1 THE COURT: I mean, it's highly unusual. You know, to
2 me, it's -- I can sign an order. I don't know to what effect it
3 will get them through a checkpoint. That would be my concern.
4 I don't know -- usually, in order to come to the United States
02:01:45 5 on a visa or otherwise, you have to have some sort of document
6 issued by Immigration authorities, not just a District Judge
7 sitting somewhere.

8 So, I don't --

9 Ms. Hampton, do you have any familiarity with
02:01:58 10 what issues might arise if I -- first of all, I guess let me ask
11 you: Do you oppose this?

12 MS. HAMPTON: I don't -- I think that the Government
13 can facilitate this happening. I think that we have every
14 agency in the Federal Government working on this case. So,
02:02:17 15 there's HSI agents that could sponsor these four individuals on
16 parole status to bring them into the US.

17 I think the order -- I would take the order very
18 generally written as directing me to do this, to get this done.
19 I don't know that the order itself would be something that they
02:02:30 20 could show the port of entry.

21 THE COURT: Okay. Let me read the order. I was just
22 going by looking at the motion. Let me see what he's written
23 here.

24 MR. MEDRANO: Yes, sir.

02:02:50 25 THE COURT: Well, yeah, I could sign the order. I

1 don't know that it would achieve what you want; but as
2 Ms. Hampton said, she can probably make it happen.

3 But the issue that I think would be of concern
4 are the dates. You know, you want them to come here for the
02:03:07 5 purpose of being interviewed by probation on -- in five days. I
6 don't know that probation would be available to do those
7 interviews. You know, it may be you need to check with
8 probation first to set up those appointments and make sure that
9 they fit because they're going to be only allowed in here for
02:03:33 10 these specific dates.

11 MR. MEDRANO: Right, exactly.

12 Well, I could always file a motion to amend, your
13 Honor, if probation can't go ahead and meet with them for those
14 dates. But if we have an order written, it will give me the
02:03:51 15 impetus to get this done.

16 MS. HAMPTON: May I make a suggestion?

17 THE COURT: Sure, go ahead.

18 MS. HAMPTON: Can we just -- can we do this without
19 the dates, just leaving it open-ended so we have some
02:03:58 20 flexibility to bring them in when HSI is able to -- because
21 there's certain paperwork involved with paroling the four
22 individuals --

23 MR. MEDRANO: That's fine, your Honor.

24 MS. HAMPTON: -- and then, also, probation's schedule.
02:04:12 25 If the Court did all that, we can make it happen. But you're

1 right, your Honor, it has to be a beginning and an end date on
2 parole documentation.

3 MR. MEDRANO: I've got no objection to that, your
4 Honor.

02:04:22

5 THE COURT: How about me just saying, "be interviewed
6 by US probation, consult with the Defendant and defense counsel
7 on dates to be determined by probation"?

8 MS. HAMPTON: That's perfect.

02:04:57

9 MR. MEDRANO: Your Honor, there's a typo on the order.
10 On Number 4, it's Marcia Alejandra Roca de Meyer instead of
11 Maria.

12 THE COURT: M-a -- how do you spell it?

13 MR. MEDRANO: M-a-r-c-i-a.

14 THE COURT: M-a-r-c-i-a.

02:05:07

15 MR. MEDRANO: And the date of birth is 1966 for that
16 lady. I made her a lot younger.

17 THE COURT: You sure did. 19 --

18 MR. MEDRANO: '66, Judge.

19 THE COURT: -- 66.

02:05:19

20 MR. MEDRANO: Yes, your Honor, I apologize.

21 THE COURT: That's okay.

02:05:34

22 MR. MEDRANO: I'll inform the Court I've used this
23 twice on cases that I had up in the Eastern District. And what
24 I usually do is to -- took a copy of the order to the port of
25 entry director before I bring the individuals across, and

1 they'll verify the authenticity of the order. And then, as a
2 courtesy, in deference to the Court, they'll allow the
3 individuals to come across.

02:06:03 4 THE COURT: Okay, okay. Like I say, I've just never
5 done it.

6 MR. MEDRANO: Yes, your Honor.

7 THE COURT: Okay. I have signed the order as amended,
8 and we'll see if it can happen.

9 MR. MEDRANO: Yes, your Honor.

02:06:09 10 One last thing, Judge.

11 THE COURT: Yes, sir.

12 MR. MEDRANO: The marshals were kind enough to go
13 ahead and house my client in Falfurrias which is a lot closer
14 for me to be able to go ahead and consult with her.

02:06:21 15 THE COURT: Okay.

16 MR. MEDRANO: I know they have to transfer her to
17 different places so they can go ahead and get her up here today.
18 We understand that, Judge; but I ask the Court to ask the
19 marshals, if at all possible, can she please be transferred back
02:06:28 20 to Falfurrias. That's where all her commissary money is, her
21 books, and everything like that.

22 THE COURT: Is that going to happen?

23 MARSHAL 1: No, your Honor.

24 THE COURT: What's going to happen? Tell me.

02:06:38 25 MARSHAL 1: She's in DeWitt County right now which is

1 where she will stay.

2 THE COURT: Until?

3 MARSHAL 1: Until the court proceeding for sentencing.

4 At this point, Falfurrias, that area does not transport to us;

02:06:53 5 therefore, we only have the jails right around here; and DeWitt

6 County is one of them. So, she'll stay in DeWitt County.

7 THE COURT: Can you get her stuff up here to DeWitt

8 County?

9 MARSHAL 1: It should be -- I'll have to talk to

02:07:05 10 DeWitt County, but I would think that they'll be able to get her

11 belongings up here.

12 THE COURT: See if you can do that. If there's any

13 problems with it, let us know and let Mr. Medrano know.

14 MARSHAL 1: Yes, sir.

02:07:13 15 MR. MEDRANO: Your Honor, may I address the Court.

16 THE COURT: Sure, yes.

17 MR. MEDRANO: Judge, the reason why we're here is

18 because, obviously, to accommodate the Court's schedule -- this

19 is a Corpus Christi Division case.

02:07:19 20 THE COURT: Yeah, right.

21 MR. MEDRANO: And so, I'm assuming that the sentencing

22 is going to take place in Corpus Christi.

23 THE COURT: That's true. That's true. Yeah, that's

24 true.

02:07:28 25 MR. MEDRANO: And so, your Honor, I'd ask the Court --

1 THE COURT: Yeah. This was an unusual setting --

2 MR. MEDRANO: Yes, your Honor.

3 THE COURT: -- for today for special reasons.

4 MR. MEDRANO: Right.

02:07:34 5 THE COURT: Sentencing will occur in Corpus Christi.

6 And what will that do to you then as far as would
7 you move her to a unit closer to Corpus?

8 MARSHAL 1: Well, Corpus Christi uses DeWitt County
9 jail, too. But what we can do is we can contact Corpus Christi
02:07:52 10 Division and see if they plan on keeping her in DeWitt County or
11 if they're going to send her back over to Falfurrias.

12 MARSHAL 2: Because we're rather limited right now on
13 where we can house people because a lot of our facilities are
14 full. So, it just depends who's taking females and if it's
02:08:09 15 possible.

16 THE COURT: Do this: Contact them and see -- make a
17 request that they take her back to Falfurrias.

18 MARSHAL 1: Yes, sir.

19 THE COURT: Because it will be a Corpus Christi
02:08:20 20 sentencing, it won't be here.

21 MARSHAL 1: Yes, sir.

22 THE COURT: Okay. All right.

23 MR. MEDRANO: Thank you, your Honor.

24 THE COURT: Okay. All right.

02:08:22 25 Anything else?

1 MR. MEDRANO: That's all we have, your Honor.

2 THE DEFENDANT: Thank you, your Honor.

3 THE COURT: All right.

4 (Proceedings concluded at 2:08 p.m.)

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C E R T I F I C A T E

10

11 I certify that the foregoing is a correct transcript
12 from the record of proceedings in the above-entitled matter, to
13 the best of my ability.

14

15 By: /s/Gayle L. Dye ----- 09-13-2017 -----

16 Gayle L. Dye, CSR, RDR, CRR Date

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